

FILED  
U.S. DISTRICT COURT  
OFFICE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2004 JAN -7 P 12:32

U.S. DISTRICT COURT  
DISTRICT OF MASS.

PEIERLS FOUNDATION INC. and

E. JEFFREY PEIERLS, individually and as trustee for Under Deed Ethel F. Peierls for Brian E. Peierls, Under Deed Ethel F. Peierls for E. Jeffrey Peierls, Under Deed Edgar S. Peierls for Ethel F. Peierls et al., Under Deed Jennie N. Peierls for Brian E. Peierls, Under Deed Jennie N. Peierls for E. Jeffrey Peierls, Under Will Jennie N. Peierls for Brian E. Peierls, and Under Will Jennie N. Peierls for E. Jeffrey Peierls

Plaintiffs,

v.

JAMES E. RURKA,  
MARK SKALETSKY,  
PAUL J. MELLETT,  
RICHARD ALDRICH,  
KATE BINGHAM,  
CHARLES W. NEWHALL III,  
DAVID SCHNELL,  
JOHN P. WALKER,

Civil Action No. 0312213ESH

Defendants.

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**DECLARATION OF JAMES N. PHILLIPS**

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1. I am an associate of the law firm Netzorg McKeever Koclanes & Bernhardt LLC, located at 1670 Broadway, Suite 500, Denver, CO 80202.
2. I am admitted to practice in the Colorado courts including the Federal District Court and the Tenth Circuit.
3. I am member of the Bar in good standing of every jurisdiction where I have been admitted to practice.
4. There are no disciplinary proceedings currently pending against me as a member of the bar of any jurisdiction.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this 31<sup>st</sup> day of December, 2003.

  
James N. Phillips

**Certificate of Service**

I hereby certify that I have mailed the foregoing document on January 7, 2004 to the following:

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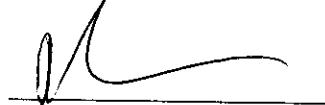
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